

Senate File 2154

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AN ACT

RELATING TO PARTIES TO WHOM TRAFFIC CITATIONS ARE ISSUED FOR
FAILURE TO OBEY SCHOOL BUS WARNING DEVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.372A, Code 2003, is amended to read
as follows:

321.372A PROMPT INVESTIGATION OF REPORTED VIOLATION OF
FAILING TO OBEY SCHOOL BUS WARNING DEVICES == CITATION ISSUED
TO DRIVER OR OWNER.

1. The driver of a school bus who observes a violation of
section 321.372, subsection 3, may prepare a written report on
a form provided by the department of public safety indicating
that a violation has occurred. The school bus driver or a
school official may deliver the report not more than seventy=
two hours after the violation occurred to a peace officer of
the state or a peace officer of the county or municipality in
which the violation occurred. The report shall state the time
and the location at which the violation occurred and shall
include the registration plate number and a description of the
vehicle involved in the violation.

2. Not more than seven calendar days after receiving a
report of a violation of section 321.372, subsection 3, from a
school bus driver or a school official, the peace officer
shall initiate an investigation of the reported violation and
contact the owner of the motor vehicle involved in the
reported violation and request that the owner supply
information identifying the driver in accordance with section
321.484.

a. If, from the investigation, the peace officer is able
to identify the driver and has reasonable cause to believe a
violation of section 321.372, subsection 3, has occurred, the
peace officer shall prepare a uniform traffic citation for the
violation and shall serve it personally or by certified mail
to the driver of the vehicle.

b. If, from the investigation, the peace officer has
reasonable cause to believe that a violation of section
321.372, subsection 3, occurred but is unable to identify the
driver, the peace officer shall serve a uniform traffic
citation for the violation to the owner of the motor vehicle.
Notwithstanding section 321.484, in a proceeding where the
peace officer who conducted the investigation was not able to
identify the driver of the motor vehicle, proof that the motor
vehicle described in the uniform traffic citation was used to
commit the violation of section 321.372, subsection 3,
together with proof that the defendant named in the citation
was the registered owner of the motor vehicle at the time the
violation occurred, constitutes a permissible inference that
the registered owner was the driver who committed the
violation.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2154, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

3 6 THOMAS J. VILSACK
3 7 Governor